IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 13748 of 2005

Between:

Mohd. Aijaz, S/o. Mohd. Oumar,
R/o. H.No. 9-15, Kaverampet, Jadcherla Mandal, Mahabubnagar District.

..... PETITIONER

A N D

1 The Mandal Development Officer, Jadcherla-cum-Election Officer,

Gram Panchayat, Jadcherla (Kaverammapet), Mahabubnagar

District.
2 The Revenue Divisional Officer, Mahabubnagar.
3 The District Collector, Mahabubnagar.
4 D. Ravinder @ Raju, S/o. Sanjanna,
r/o 5-92, Jadcherla Village & Mandal, Mahabubnagar District.
5 Abu Mohammed, S/o. Mohd. Pasha,
r/o 5-171, Jadcherla Village & Mandal, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st Respondent in issuing additional voters list on 21-6-2005 showing 159 members as additional voters after scrutiny of nominations to the election for the post of Member, Ward No. 6, Gram Panchayat, Jadcherla (Kavermmapet) is illegal, arbitrary, without jurisdiction and contrary to the specific provisions contained in S.11(1);11(6) of A.P. Panchayat Raj Act, 1994 and

consequently to direct the Respondent No. 1 to conduct elections to the post of Member, Ward No. 6, of the Gram Panchayat, Jadcherla (Kaverammapet) with the final Voters list published and furnished to the writ petitioner on the date of submitting his nomination on 17-6-2005.

Counsel for the Petitioner: MR.K.VENKATESH GUPTA

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following: (order follows 2nd page)

O R D E R :

This writ petition is filed to declare the action of the first respondent in issuing additional voters list on 21-6-2005 showing 159 members as additional voters after scrutiny of nominations to the election for the post of Member, Ward No.6, Gram Panchayat, Jadcherla (Kavermmapet) as illegal, arbitrary, without jurisdiction and contrary to the specific provisions contained in Section 11 (1) and 11 (6) of the AP Panchayat Raj Act, 1994 and consequently direct the first respondent to conduct elections to the post of Member, Ward No.6, Jadcherla (Kaverammapet) Gram Panchayat with the final voters list published and furnished to the writ petitioner on the date of submitting his nomination on 17-6-2005.

After hearing the learned counsel for the petitioner as well as the learned Govt.Pleader for Revenue, it is settled principle of law that when once the schedule of election is notified the question of entertaining the writ petition under Article 226 of the Constitution of India could not and would not arise. The writ petition is misconceived and liable to be dismissed.

The writ petition is accordingly dismissed at the admission stage. No costs.

JUNE 27th, 2005. ----------

I S L. ELIPE DHARMA RAO, J.

To

1 The Mandal Development Officer, Jadcherla-cum-Election Officer,

Gram Panchayat, Jadcherla (Kaverammapet), Mahabubnagar

District.
2 The Revenue Divisional Officer, Mahabubnagar.
3 The District Collector, Mahabubnagar.
4 One CC to Govt.Pleader for Panchayat Raj and Rural Development,

High Court Buildings, High Court of AP Hyderabad (OUT).

5 Two CD Copies.